

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROSA FIGUEROA,  
Plaintiff,

v.

WELLPATH, INC., et al.,  
Defendants.

Case No. [21-cv-09766-CRB](#)

**ORDER DENYING MOTION TO  
DISMISS FOR FAILURE TO  
PROSECUTE**

On October 21, 2022, Defendants Wellpath, Inc. and Paula McKinsey filed a motion to dismiss for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). See *dk.* 30. On January 3, 2023, the Court ordered Plaintiff Rosa Figueroa to show cause why the case should not be dismissed for failure to prosecute. See *dk.* 38. On January 19, 2023, the Court received a letter from Figueroa, asking that her case not be dismissed because she has “received permanent injury” and would like her case to “continue forward.” See *dk.* 40.

Given Figueroa’s stated intent to participate in the case going forward, Defendants’ motion to dismiss is DENIED, without prejudice to a further motion if Figueroa fails to participate. Figueroa is ordered to cooperate with defense counsel to comply with all court deadlines and meet her discovery and disclosure obligations. Failure to do so will result in dismissal of the action.

**IT IS SO ORDERED.**

Dated: January 20, 2023



CHARLES R. BREYER  
United States District Judge